

Facsimile No: 703-872-9311  
Attorney Docket: Cyto-Nozzle-Div

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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NOV 07 2003

In Re the Application of: Ger Van den Engh  
Application Number: 09/689,585  
Filing Date: October 12, 2000  
Group Art Unit: 1743  
Examiner: Ludlow, J.  
For: Flow Cytometer Droplet Formation System

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AMENDMENT AND REQUEST FOR RECONSIDERATION  
UNDER 37 C.F.R. § 1.111

Commissioner for Patents  
Examiner Jan M. Ludlow  
Group Art Unit 1743  
P.O. Box 1450  
Alexandria VA, 22313-1450

Examiner Ludlow:

This amendment and request for reconsideration is in response to the Office Action communication (Paper No. 10) mailed June 18, 2003 and a personal interview with Jan M. Ludlow on October 29, 2003. A shortened statutory period of three months has been set, making a response to this action due on or by September 18, 2003. The applicant is requesting that this time period be extended for two months to an including November 18, 2003 and has included a Petition for Extension of Time along with the prescribed fee.

11/10/2003 AWONDAF1 00000012 09689585

02 FC:1201 172.00 OP  
03 FC:1202 594.00 OP

In the Office Action communication, the office raised rejoinder concerns, 35 U.S.C. § 112 concerns, and 35 U.S.C. § 103 concerns. The applicant believes that this response addresses each of the concerns raised by the office in the Office Action communication mailed June 18, 2003 and as discussed in the personal interview.

This response is made in accordance with 37 C.F.R. § 1.121 as amended using the format with each heading beginning on a separate page as follows:

1. Amendments to the Claims are reflected in the listing of all claims beginning on separate page 3 of this response; and note that
2. Remarks begin on page 16 of this response.

In accordance with the amendment directions provided in 37 C.F.R. § 1.121 as recently changed, please amend claims 83, 85, 97 and 99-101 and add claims 111-137. Each amendment is believed to have been made in accordance with Rule 121, however, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible.

**OFFICIAL****SANTANGELO Law Offices, P.C.**

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**FACSIMILE TRANSMISSION**

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**TO:** Examiner Jan M. Ludlow; Group Art Unit 1743  
U.S. Patent and Trademark Office

**FAX:** (703) 872-9311 **TELEPHONE:** (703) 308-4039  
**Client Code:** 1336

**FROM:** Nicole Ressue, Esq.

**DATE:** November 7, 2003

**TOTAL PAGES:** 23 (including cover page) X Facsimile only

**LETTER OF FACSIMILE TRANSMITTAL**

First Named Inventor: Ger Van den Engh  
Serial Number: 09/689,585  
Filed: October 12, 2000  
For: Flow Cytometer Droplet Formation System  
Attorney Docket No.: Cyto-Nozzle-Div

Enclosed for filing in the above application please find the following:

1. a Petition for Extension of Time Under 37 C.F.R. §1.136(a) (2 pages);
2. an Amendment and Request for Reconsideration under 37 CFR §1.111 (17 pages);
3. a Credit Card Payment Form for the amount of \$1,186.00 (\$420.00 for extension fees and \$766.00 for additional claim fees);
4. this Letter of (2 pages); and
5. a Certificate of Facsimile Transmittal (1 page).

Please confirm receipt of the documents by return facsimile indicating the date of receipt and application number.

I have this 7<sup>th</sup> day of November, 2003, either myself personally or through my ~~direction of staff at this office, transmitted all of the items in the above letter of~~ transmittal via facsimile to: Commissioner for Patents, Examiner Ludlow, Group Art Unit 1743, facsimile number: 703-872-9311.

Dated this 7<sup>th</sup> day of November, 2003.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Ressue  
 Nicole A. Ressue  
 ATTORNEY FOR APPLICANT  
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 Fort Collins, Colorado 80521  
 (970) 224-3100

Facsimile No: 703-872-9311  
Attorney Docket: DakoCyto-Nozzle-Div

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day transmitted by facsimile the attached Petition for Extension of Time under 37 CRR §1.136(a); Amendment and Request for Reconsideration under 37 CFR §1.111; Credit Card Payment Form for the amount of \$1,186.00 (\$420.00 for the petition fee and \$766.00 for additional claim fees); and Letter of Transmittal to: Commissioner for Patents, Examiner Jan Ludlow, Group Art Unit 1743, facsimile number: 730-872-9311.

Dated this 7<sup>th</sup> day of November, 2003.

  
Cheryl A. Swanson